

HOUSE BILL 785  
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 54,  
Chapter 4, relative to establishing a safe-routes-to-  
school program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 4, is amended by adding  
the following language as a new part:

**§ 54-4-601.** The general assembly hereby acknowledges that provisions of the federal Highway Safety Act (23 U.S.C. § 401 et seq.), authorize federal funding for a number of state and local programs relating to improvement of highway safety and reduction of traffic congestion. Such programs include the rail-highway crossing program; the pavement marking demonstration program; projects for high-hazard locations (including, but not limited to, projects for bicycle and pedestrian safety and traffic calming measures in those locations); a program for the elimination of roadside obstacles; and the federal-aid safe roads demonstration program. The purpose of this part is to authorize the department of transportation to establish and administer a safe-routes-to-school program as a component of its implementation of these federal programs within this state. The department of transportation, all counties, and all municipalities are authorized to do all things reasonably necessary within their respective jurisdictions to secure and expend such federal funds in accordance with the intent of the federal act and this part. Nothing contained within the provisions of this part shall be construed, in any way, to require the department or any other governmental entity to implement the safe-routes-to-school program or to implement or fund the safe-routes-to-school initiative proposed for any school in any given year.

**§ 54-4-602.**

(a) The department of transportation is authorized to establish and administer a safe-routes-to-school program, pursuant to the authority granted under Title 23 of the United States Code, in order to use federal transportation funds for bicycle and pedestrian safety and traffic calming measures.

(b) The department of transportation is authorized to perform such activities and make such expenditures, as may be reasonably necessary, in order to implement safe-routes-to-school initiatives proposed for those public schools that are recognized by the department of education under the safe-routes-to-school program, based on the results of annual statewide competition requiring submission of safe-routes-to-school initiatives and the ranking of those initiatives based upon the following factors:

(1) Demonstrated needs of the school;

(2) The initiative's likely impact on reducing child injuries and fatalities;

(3) The initiative's likely success in encouraging increased walking and bicycling among students; and

(4) Completion of a safe-routes-to-school plan that requires each of the following:

(A) Identification of safety hazards;

(B) Identification of current and potential walking and bicycling routes to school; and

(C) Broadly based community involvement in plan development by students, parents, teachers, local transportation agencies, law enforcement agencies and school officials.

(c) The department of transportation shall implement only the highest ranked initiative or initiatives, as measured on the rating system and scale

established by the department of transportation; and the safe-routes-to-school program shall be subject to, and restricted by, the amount of funding available for and approved by the commissioner of transportation for use under the program for any given year. The department shall announce the level of program funding, if any, available for a fiscal year within one (1) month after commencement of that fiscal year. Establishment of the necessary rating system and scale and the amount of program funding available each such year shall be in the complete discretion of the commissioner of transportation. Only schools that are located on state roads or state highways shall be eligible to compete in the safe-routes-to-school program.

(d) In accordance with the provisions of the Uniform Administrative Procedures Act, the commissioner of transportation shall promulgate such rules as may be reasonably necessary for the implementation of this section.

SECTION 2. For purposes of rule promulgation, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2005, the public welfare requiring it.